



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,  
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

## **ACTION AGENDA**

Hickory City Council  
76 North Center Street

May 3, 2016  
7:00 p.m.

- I. Call to Order
- II. Invocation by Alderman Seaver
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. Presentation of a Proclamation for National Police Week 2016 to Hickory Police Department. **(Exhibit IV.A.)**  
  
Mayor Wright read and presented a Proclamation for National Police Week 2016 to Chief Tom Adkins, Major Thurman Whisnant, Captain Jeff Young, Lieutenant Phil Demas, Sergeant Dustin Nowatka and Investigator Kim Craig.
- V. Persons Requesting to Be Heard
  - A. Mr. John Pope, 1918 45<sup>th</sup> Avenue Place NE, discussed concerns with House Bill 2.
  - B. Mr. Mitchell Gold, 1572 Basin Street, discussed concerns with House Bill 2.
  - C. Ms. Karen Lowe, 425 25<sup>th</sup> Street SW, discussed concerns with House Bill 2.
  - D. Mr. James Thomas Shell, 2442 23<sup>rd</sup> Street Drive NE, spoke on behalf of, and in memory of Mr. Larry Pope.
  - E. Mr. John Watts, discussed the non-profit organization Catawba County Partnership for Children.
- VI. Approval of Minutes
- A** A. Regular Meeting of April 19, 2016. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
  - A2** A. Approval of a Landscape Grant Agreement in the Amount of \$792.50 to Tar Heel Properties of Hickory, LLC for Property Located at 1091 13<sup>th</sup> Street NE. **(First Reading Vote: Unanimous)**
  - A2** B. Approval of a Landscape Grant Agreement in the Amount of \$792.50 to Caddle Investments, LLC for Property Located at 1311 10<sup>th</sup> Avenue Lane SE. **(First Reading Vote: Unanimous)**

May 3, 2016

- A2** C. Approval of an Agreement for Professional Services with McGill Associates in the Amount of \$196,400 for the Geitner Basin Sewer System Rehabilitation Project. **(First Reading Vote: Unanimous)**
- A2** D. Approval of the Microenterprise Grant Agreement with CNC for Hire. **(First Reading Vote: Unanimous)**
- A2** E. Acceptance of the Offer to Purchase City-Owned Property Located at 159 12<sup>th</sup> Street Court SE in the Amount of \$78,000. **(First Reading Vote: Unanimous)**
- A2** F. Budget Ordinance Amendment Number 22. **(First Reading Vote: Unanimous)**
- A2** G. Grant Project Ordinance Amendment Number 7. **(First Reading Vote: Unanimous)**

VIII. Consent Agenda: All items below are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.

- A** A. Approval to Issue a Pyrotechnic Display Permit to Hickory Motor Speedway. **(Exhibit VIII.A.)**

*Kevin Piercy, General Manager of the Hickory Motor Speedway has submitted a request to obtain permission to have a public fireworks display on the following 2016 dates: July 23, and July 30, 2016. Rain Dates: July 24, and July 31, 2016.*

*The North Carolina Fire Code requires a mandatory operational permit for the use and handling of pyrotechnic special effects material. The Division of Fire & Life Safety Bureau shall review all required documentation. The Fire Prevention Bureau will also inspect the pyrotechnics display area prior to the event to ensure compliance with all guidelines and codes. Staff recommends approval of the pyrotechnics displays.*

- A1** B. Acceptance of the North Carolina Department of Transportation Municipal Maintenance Agreements. **(Exhibit VIII.B.)**

*The City of Hickory maintains North Carolina Department of Transportation (NCDOT) roadways, signalized and un-signalized intersections, and a signal system within the City limits. NCDOT reimburses the City for this maintenance based upon a fee schedule that is used by all municipalities in the State that have such an agreement. This agreement is for one year and eligible for automatic renewal every year for five years. Detailed records are kept and submitted to NCDOT quarterly for work performed. Through these reports reimbursement is issued. Without renewal of the Maintenance Agreement, the City would not receive any monies from NCDOT for work performed. Staff recommends Council's approval of the NCDOT Municipal Maintenance Agreements for the Traffic Division.*

- A** C. Approval of a Resolution Accepting the Offer of Dedication for 41<sup>st</sup> Avenue NW and 1<sup>st</sup> Street NW, as Shown on Plat Book 75, at Page 188, of the Catawba County Registry. **(Exhibit VIII.C.)**

*The City has been presented with an offer of dedication for street right-of-way as shown on a plat recorded in Plat Book 75, at Page 188 of the Catawba County Registry. The area consists of the right-of-way areas for 41<sup>st</sup> Avenue NW and 1<sup>st</sup> Street NW. The streets were constructed by the developer as part of The Landing at Moore's Ferry Phase 8 residential development. The streets have been properly inspected by the City of Hickory, and been found to meet the minimum design requirements necessary for public maintenance. Public use and maintenance of street right-of-way cannot occur unless City Council formally accepts the offer of public dedication by means of a duly executed resolution. This requirement is outlined in the North Carolina General Statutes, as well as the City's Land Development Code. Staff recommends City Council's approval of the*

*resolution accepting the offer of dedication for 41<sup>st</sup> Avenue NW and 1<sup>st</sup> Street NW, as shown on Plat Book 75, at Page 188 of the Catawba County Registry.*

- A D. Approval of Special Events Activities Application for Fitzgerald Wedding Ceremony & Reception, Pete Subsara, Director of Promotions and Community Relations, Hickory Crawdads, June 25, 2016, 2:00 p.m. to 11:00 p.m., L.P. Frans Stadium, 2500 Clement Blvd. **(Exhibit VIII.D.)**
- A E. Approval of Special Events Activities Application for Friends of Hickory Park Groundbreaking, Roger Young, Board Member, Friends of Hickory, LLC, May 11, 2016, 11:00 a.m. to 1:15 p.m., Corner of Main Avenue NW and 3<sup>rd</sup> Street NW. **(Exhibit VIII.E.)**
- A F. Proclamation for National American Public Works Week, May 15 -21, 2016. **(Exhibit VIII.F.)**
- A1 G. Approval of a Supplemental Agreement with North Carolina Department of Transportation for the Roundabouts on Sandy Ridge Road at 21<sup>st</sup> Avenue NE and 29<sup>th</sup> Avenue Drive NE. **(Exhibit VIII.G.)**

*As discussed at Council's February 25<sup>th</sup> and March 3<sup>rd</sup> workshops, the City applied for and received Congestion Management and Air Quality (CMAQ) funding approval from the North Carolina Department of Transportation (NCDOT) for intersection improvements on 16<sup>th</sup> Street NE (Sandy Ridge Road) at 21<sup>st</sup> Avenue NE and at 29<sup>th</sup> Avenue Drive NE. The supplemental agreement increases the funding amount to \$3,697,000, which is 80 percent of the total project cost of \$4,621,250. The City would be responsible for the remaining 20 percent, which amounts to \$924,250. Staff recommends approval of a supplemental agreement which provides additional funding for the project. It is anticipated that funds for the right of way will be required in FY 16/17 and for construction in FY 17/18.*

IX. Items Removed from Consent Agenda – Item C

Item C was removed from the Consent Agenda due to a conflict of interest with Alderman Tarlton. Alderman Tarlton recused himself from voting on this item with approval from City Council. City Council voted unanimously to approve the Resolution accepting the offer of dedication for 41<sup>st</sup> Avenue NW and 1<sup>st</sup> Street NW.

X. Informational Item

XI. New Business:

A. Public Hearings

- A 1. Consideration of the Community Development Block Grant 2016 Annual Action Plan. **(Exhibit XI.A.1.)**

*In 2016, the City of Hickory will receive approximately \$280,251 through the Community Development Block Grant Program and approximately \$130,000 in program income for a total of \$410,251. Funds will be used to develop stronger communities by providing decent housing, creating suitable living environments, and expanding economic opportunities, principally for people of low and moderate income. The City of Hickory's 2015-2019 Consolidated Plan is updated on an annual basis through the development of an Annual Action Plan. The plan sets priorities among these needs and sets out the action plan for use of available funds on a yearly basis. This provides for flexibility in determining priorities as the needs of the community change from year to year. The 2016 Annual Action Plan will be submitted to the U.S. Department of Housing and Urban Development on or before May 15, 2016 as the City's strategy for administering 2016 Federal funds for community development and housing. The*

*Citizen's Advisory Committee reviewed the draft action plan at their meeting on March 7, 2016 and recommended approval of the proposed budget.*

*This public hearing was advertised in a newspaper having general circulation in the Hickory area on April 3, April 23, and May 3, 2016.*

B. Departmental Reports:

- NA 1. Catawba County Community Health Assessment Walkability Study.  
(Exhibit XI.B.1)
- A 2. Council Discussion of Appointment Process for Deidra Lackey Memorial Conservancy Board.

City Council created a subcommittee consisting of Alderman Tarlton, Alderman Zagaroli and Mayor Wright. This subcommittee will review the candidates and submit three names to City Council for their approval on the Deidra Lackey Memorial Conservancy Board at a future City Council meeting.

- A 3. Appointments to Boards and Commissions

**CITIZEN'S ADVISORY COMMITTEE**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Small Cities Project Area Paul Carswell Resigned 4-6-16  
(moved out of the project area)

**COMMUNITY RELATIONS COUNCIL**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Other Minority VACANT

**HICKORY REGIONAL PLANNING COMMISSION**

(Terms Expiring 6-30; 3-Year Terms With Unlimited Appointments)  
(Appointed by City Council)  
Burke County (Mayor to Nominate) VACANT Since 8-6-2008  
Brookford (Mayor to Nominate) VACANT Since 6-2006

**INTERNATIONAL COUNCIL**

(Appointed by Mayor with the Concurrence of City Council)  
(6) Positions VACANT

**LIBRARY ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by Council)  
At-Large (1) Mayor Appoints - Jane Everson resigned 4-14-2016

**PUBLIC ART COMMISSION**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 3 VACANT

Alderman Seaver nominated Gregory Schauble as the Ward 3 Representative, Pubic Art Commission.

**RECYCLING ADVISORY BOARD**

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)  
Ward 3 VACANT

C. Presentation of Petitions and Requests

- XII. Matters Not on Agenda (requires majority vote of Council to consider)

XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature

Mayor Wright commented on the passing of Larry Pope. Mr. Pope, with a great deal of passion and commitment, attended Council meetings more faithfully than almost anyone for the 15 years that Mayor Wright had been on Council. He commented that they believed he was preparing for Council's last meeting when he developed a health problem that led to his death. Mayor Wright thanked Mr. Shell, for on many occasions, exercising some sort of magic in talking with Mr. Pope. In 15 years of frequent conflict, they never had him arrested or ejected from the Chambers. He thanked Mr. Shell for his role in that. Mayor Wright commented that he hoped that he never had to impose on someone and impact their dignity by asking them or demanding that they leave Chambers.

Alderman Seaver commented that he had mentioned earlier that he was a Lion as well as a Kiwanian. He had lots of dealings with Mr. Pope through the Catawba County Council for the Blind. Many rides to take him to the meetings. The only personal problem that he had with Mr. Pope was one night he wanted to drive home from the Thanksgiving party. Alderman Seaver didn't let him. He commented that he probably could have done it because he knew the streets of the City pretty well.

Mayor Wright mentioned the death of Charles Deal, a longtime newspaper publisher with The Hickory News, and a legend in Hickory. He advised his funeral service was held today. He commented about his son's wedding over the weekend in Washington, D.C. His son married a girl from Scranton, Pennsylvania. He advised that he had the occasion to talk with the people that were from Scranton. He commented that he did not realize that Scranton had grown rapidly from a fairly small city to 143,000 people. Over the last half century it declined in population to 78,000. The people that he spoke with said that the problem was the young people were leaving and not coming back, and jobs were leaving for various reasons from the coal industry and the steel industry. He bragged on City Council, County Commissioners, and all the elected officials in this region. When they talked about the Bond Referendum, and it was passed 60/40, having to tell people that they were going to substantially raise their City taxes, they said they couldn't get that done in Scranton. Mayor Wright had inquired why. They advised him that they did not trust their officials. Two of their County Commissioners are serving time for pay to play schemes. He advised that we had been blessed in our region. He commented that people may not agree with their decisions, but he believes that they trust the elected officials in the area. He referenced something he had said in the past, you don't want to be Clarksburg. A city that went from 40,000 to 20,000. We don't want to be Scranton either. He commented that he was proud of the residents of the City who voted yes on the Bond Referendum to give Council a path to greater prosperity in the future.

Alderman Seaver commented that he had often said that we have some of the smartest population of citizens anywhere.

Alderman Tarlton and Mayor Wright agreed.

Alderman Seaver commented that he had taught a lot of them and he believed that wholeheartedly.

Alderman Guess commented that City staff announced the promotion of Major Thurman Whisnant to the next Chief of Police for the City of Hickory. He congratulated Major Whisnant. He commented that Chief Adkins was still there. He asked him for how many more days.

Chief Tom Adkins advised that he wasn't counting them.

Alderman Guess thanked Chief Adkins for his services and commented that the City is looking forward to Chief Whisnant coming on board.

XIV. Adjournment

**\*Hickory City Code Section 2-56. Public Address to Council:**

**“When conducting public hearings, considering ordinances and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”**

<p><b>The City of Hickory holds all public meetings in accessible rooms. Special requests for accommodation should be submitted by individuals with disabilities at least 48 hours before the scheduled meeting. Phone Services (hearing impaired) – Call 711 or 1-800-735-2962</b></p>
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